



INTERIM — **WATER DRAINAGE**

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ND WATER
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PRESENTATION OVERVIEW



Current Appeals Of WRD Decisions



Current Gaps In N.D.C.C.



DWR Role



Oversight Opportunities



APPEALS OF WRD DECISIONS

TO DISTRICT COURT

N.D.C.C. CHAPTERS 61-16.1 & 61-21

Any Order Or Decision Of WRD

Order To Establish Or Deny A Drain

Obstruction To A Drain/Watercourse

TO DWR

N.D.C.C. CHAPTERS 61-16.1, 61-21, & 61-32

Assessment Appeals

(Appeal Of No Benefit)

(Petition To Appeal Assessments)

(Design Appeal)

Complaint Appeals

(Drainage, Dams, Dikes, etc.)



DWR'S APPEAL PROCESS

- DWR Appeal Process Currently Located In Regulatory Division
 - Responsibilities Include
 - Permit Review & Determinations
 - Construction, Drainage, & Emergency Permits
 - Stream Crossing & Watercourse Determinations
 - Drainage & Construction Complaints & Appeals
 - Assessment Drain Appeals
 - Sovereign Lands, Dam Safety, Floodplain Management, Silver Jackets Program
 - Regulatory Has 14 FTEs, 5 FTEs Responsible For Permit Reviews & Determinations
- Potential Consideration Of A Separate Appeals Section Within The Regulatory Division
- Continue To Prioritize Local Water Resource Management
 - County-Level Direct Oversight Maintains Local Perspective
- DWR Should Be Last Resort In Appeal Process, If Considered An Option

KEY GAPS IN THE CURRENT REVIEW OF NDCC



1. Clear Definition Of "Benefit"
 - Presented To WTOC Fall 2018
2. Assessment Project Area Does Not Match Benefitting Parcel Watershed Test
3. Assessment Vote Allocation
4. Benefits Determine Equitable Apportionment

OPPORTUNITIES

DWR/State Is Not The Only Potential Oversight Avenue

- County Commission
 - WRB Members Appointed By County Commission
 - County Commission Logical First Line Of Review/Appeal On WRB Decisions Or WRB Business Practice Concerns
- County Assessors Office
 - All Assessment Projects Eventually Lead To Assessors' Office
 - Knowledge & Local Familiarity To Answer Parcel To Project Level Appeals/Concerns



THANK YOU



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